

EFFECTIVE DATE: December 16, 1985

REVISION DATES: February 8, 1991

SUBJECT: USE OF INTOXICANTS/DRUGS IN THE WORKPLACE

I. PURPOSE:

- To establish a basic policy regarding use of intoxicants or drugs in the workplace by employees of the City of San Antonio as such use relates to the employee's TOUR OF DUTY including a disciplinary table.

II. RESPONSIBILITY:

- This policy applies to "ALL CITY EMPLOYEES." Exceptions for appropriate reasons may be made at the discretion of the City Manager, the Assistant City Managers, or the City Department Heads.

III. DEFINITIONS:

- A. INTOXICATION: Any level of mental or physical impairment resulting from the voluntary introduction of any alcoholic beverage, controlled substance or drug of abuse into the body.
- B. INTOXICANT: Any alcoholic beverage, controlled substance, or drug, the introduction of which into the body, may influence any mental or physical capacity.
- C. TOUR OF DUTY: That period of time, beginning when the employee reports for work, and ending when he/she is relieved of duty for the day or dismissed for the day or until his/her overtime assignment is completed. (Employee's lunch time is included in this time frame). When an employee is called back to duty before or after his/her regular tour of duty, it will be the responsibility of the employee's supervisor to determine if the employee is intoxicated, to the degree where he/she can or cannot perform the assignment taking into consideration the nature of the task and the employee's expertise.

IV. USE OF INTOXICANTS:

A. EMPLOYEES SHALL NOT:

- 1. At any time be intoxicated while on duty.
- 2. Use or possess any intoxicating substances during tour of duty.

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3. Report for duty or return to duty exhibiting the odor of intoxicants, or any of the elements or appearance of intoxication, EXCEPTION, when an employee is called back to duty before or after his/her regular tour of duty, it will be the responsibility of the employee's supervisor to determine if the employee is intoxicated, to the degree where he/she can or cannot perform the assignment taking into consideration the nature of the task and the employee's expertise.
4. Carry any alcoholic beverages or controlled substances for personal use while in a City vehicle or in a privately owned vehicle operated for City business.
- B. CONTROLLED SUBSTANCE: Employees shall neither possess, use, nor distribute any substance regulated by the CONTROLLED SUBSTANCE act, while on their duty and/or on City Property, unless such possession is related to official police business. Use or possession of a controlled substance under the direction of a licensed physician is allowed.
- C. PRESCRIBED INTOXICANTS: An employee using a prescribed intoxicant shall notify his/her supervisor of the same. The employee will be referred to the Occupational Health Clinic for evaluation of all prescribed intoxicants. Based on the employee's physician's official statement and recommendation of the physicians at the Occupational Health Clinic, the supervisor shall decide whether or not to allow the employee to perform his/her regular or assigned duty. If the employee is unable to perform his/her regular or assigned duty, the employee will be placed on his/her leave until they are released and are able to perform their regular or assigned duties. Dependence on a prescribed intoxicant is not an excuse for being unable to perform.

V. REFERRALS TO OCCUPATIONAL HEALTH CLINIC

Employees who self-refer or who are sent by management to the Occupational Health Clinic will be assisted by qualified professionals who will screen and assess each employee to ascertain the kinds and extent of services required. The employee will be served by the Occupational Health Clinic staff or referred to area service providers in order to give the employee the best chance possible of resolving any problem (s) which may have contributed to substance abuse.

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In recognition of the financial burden treatment for substance abuse can create, the city has structured its health insurance package to include treatment for alcohol and drug abuse. Employees who have an HMO are also covered. The extent of coverage and the deductible amount vary according to the employee's choice of plans, all of which are subject to change. The Risk Management staff of the Finance Department is available to explain details of each plan.

VI. DISCIPLINARY ACTION:

- Employees who refer themselves for treatment through the Occupational Health Clinic will not be subject to disciplinary action unless the employee is found to be in violation of this directive. Violations will be dealt with in accordance with the table which follows:

- A. If an employee is witnessed introducing or carrying any intoxicant in a City vehicle or on City property during his/her tour of duty, the following disciplinary table applies as a minimum. Department Heads may have the discretion to take on more severe action if circumstance warrants.

1st Occasion - 16 hours suspension (refer to Occupational Health Clinic)

2nd Occasion - 40 hours suspension (mandatory employee visit to Occupational Health Clinic)

3rd Occasion - Termination

- B. The same disciplinary table will be followed at a minimum, if the supervisor has determined in his/her opinion the employee is intoxicated and exhibits any associated symptom including but not limited to:

- The odor of alcohol on breath
- Blood shot eyes
- Slurred speech
- Unsteady on feet

A written statement is to be prepared and witnessed by two employees. At the discretion of the supervisor, the employee will be given a ride home or escorted for a medical evaluation. The Occupational Health Clinic should be utilized Monday through Friday between 7:45 and 4:30 p.m. The nurse at the Public Inebriate Program will evaluate employees during all other hours.

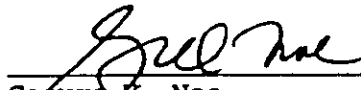
ADMINISTRATIVE DIRECTIVE NO. 4.79

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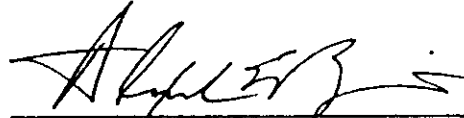
If an employee is involved in a vehicle accident while under the influence of intoxicants, a police officer will be called.



George K. Noe
Director of Management Services

2/20/91

Date



Alexander E. Briseno
City Manager

2/20/91

Date

RECEIPT OF ADMINISTRATIVE DIRECTIVE 4.79 USE OF INTOXICANTS/DRUGS IN THE WORKPLACE

I hereby acknowledge that I have been provided with a copy of City of San Antonio Administrative Directive 4.79, Use of Intoxicants/Drugs in the Workplace. I have also been advised that this Administrative Directive is being provided in compliance with Section © of the Drug-Free Workplace Act, 1990.

I also certify that as a condition of employment, I will:

- abide by the terms of Administrative Directive 4.79, Use of Intoxicants/Drugs in the Workplace;
- notify my employer (department head) in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction;

I understand that my employer must notify the appropriate Federal Agency in writing within ten (10) calendar days after receiving notice as outlined above from an employee or otherwise receiving actual notice of such conviction.

I have been advised that my employer must take one of the following actions, within 30 calendar days of receiving notice as outlined above with respect to any employee who is so convicted:

- taking appropriate personnel action against such an employee, to include termination; or
- requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency. If such employee does not participate satisfactorily in such drug abuse assistant rehabilitation program, then the employer must take appropriate personnel action against such n employee, to include termination.
- () For positions requiring CDL only: I acknowledge that I have been provided with a copy of the City of San Antonio Administrative Directive 4.3, Alcohol and Controlled Substances Testing.

NAME PRINTED

SIGNATURE

SOCIAL SECURITY NUMBER

DATE